

Change Of Attorney Or Agent's Address In Application  
(37 CFR 1.8(a))

Docket No.

753-20

In Re Application Of: S. Steinemann

Serial No.  
09/445,675

Filing Date  
September 13, 2000

Examiner  
J. Combs-Morillo

Group Art Unit  
1742

Invention: BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE  
MANUFACTURING PROCESS

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Please send all correspondence for this application to:

Daniel A. Scola, Jr.  
Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

Please direct all telephone calls to:

Daniel A. Scola, Jr.  
(973) 331-1700

  
Signature of Attorney or Agent of Record

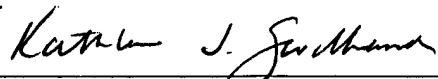
Daniel A. Scola, Jr.  
Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

(973) 331-1700

Registration Number & Address of Attorney or Agent of Record

Dated: May 24, 2002

I certify that this document is being deposited on  
May 24, 2002 with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

  
Signature of Person Mailing Correspondence

Kathleen J. Goodhand

Typed or Printed Name of Person Mailing Correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: S. Steinemann

Application No.: 09/445,675

Group Art Unit: 1742

Filed: September 13, 2000

Examiner: J. Combs

For: BINARY TITANIUM-ZIRCONIUM  
ALLOY FOR SURGICAL IMPLANTS  
AND A SUITABLE MANUFACTURING  
PROCESS

Commissioner for Patents  
Washington, D.C. 20231-0001

NEW ASSOCIATE POWER OF ATTORNEY  
(INCLUDING REVOCATION OF PRIOR POWERS OF ATTORNEY)

Sir:

I hereby appoint:

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory W. Bachmann, Reg. No. 41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. 43,128, Kevin E. McDermott, Reg. No. 35,946; Robert C. Morriss, Reg. No. 42,910; Roderick S.W. Turner, Reg. No. 38,639; Reg. No. 44,741; Algis Anilionis, Reg. No. 36,995; Justin K. Holmes, Reg. No. 42,666; and Lauren T. Emr, Reg. No. 46,139, each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791 USA and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; Mark E. Baron, Reg. No. 46,150; John S. Sopko, Reg. No. 41,321; Gloria K. Szakiel, Reg. No. 45,149; Christina L. Warrick, Reg. No. 45,690; Robert W. Rodrick, Reg. No. 27,086; Ludomir A. Budzyn, Reg. No. 40,540, Linda T. Parker, Reg. No. 46,046; Rohini Garg, Reg. No. 45,272, Joy I. Farber, Reg. No. 44,103; and Anna Lisa Gallo, Reg. No. 50,279 each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054, USA.

to prosecute and transact all business in the U. S. Patent and Trademark Office in connection with this application and hereby revoke all prior powers of attorney.

Please address all future correspondence and telephone communications to:

Daniel A. Scola, Jr.  
HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
Tel: (973) 331-1700  
Fax: (973) 331-1717

Respectfully submitted,

Date: May 24, 2002

A. Uher

André Braun  
Braun & Partner  
Reuss Strasse 22  
CH-4055 Basel  
Switzerland

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700



118530 P

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

NOVEMBER 06, 2000

PTAS

MARK E. WADDELL  
245 PARK AVENUE  
NEW YORK, NEW YORK 10167-0034



\*101465160A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/11/2000

REEL/FRAME: 011076/0717  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

STEINEMANN, SAMUEL.

DOC DATE: 08/17/2000

ASSIGNEE:

INSTITUT STRAUMANN AG  
HAUPSTR. 26D  
CH-4437 WALDENBURG, SWITZERLAND

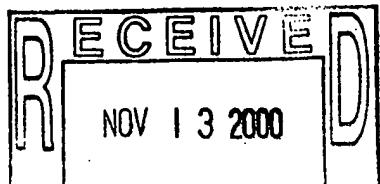
SERIAL NUMBER: 09445675

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
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101465160

9-11 00

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): <b>Samuel STEINEMANN</b>		2. Name and address of receiving party(ies): <b>Name: Institut Straumann AG</b> <b>Address: Hauptstr. 26d, CH-4437</b>	
Additional names(s) of conveying party(ies).  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		City: <u>Waldenburg</u> State/Prov.: _____ Country: <u>Switzerland</u> ZIP: _____	
Execution Date: <u>August 17, 2000</u>		Additional name(s) & address(es) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Application number(s) or registration numbers(s):  If this document is being filed together with a new application, the execution date of the application is: _____			
Patent Application No. <u>09/445,675</u>		Filing date <u>December 10, 1999</u>	
		B. Patent No.(s)  <u> </u>	
		Additional numbers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <u>Mark E. Waddell</u>		6. Total number of applications and patents involved: <u>1</u>	
Registration No. <u>31,803</u>		7. Total fee (37 CFR 3.41): ..... \$ <u>40.00</u>	
Address: <u>245 Park Avenue</u>		<input checked="" type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account  <input type="checkbox"/> Authorized to be charged to deposit account	
City: <u>New York</u> State/Prov.: <u>NY</u>		8. Deposit account number:  <u>02-4467</u>	
Country: _____ ZIP: <u>10167-0034</u>		<i>ROCKETED 3-2000</i>	

09/20/2000 MTHAI1 00000417 09445675

**DO NOT USE THIS SPACE**

**01. FC:581**  
9. Statement and signature.

40.00 0P)

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

**Mark E. Waddell**

Mark E. Waddell

**September 6, 2000**

# BRYAN CAVE LLP

ST. LOUIS, MISSOURI  
WASHINGTON, D.C.  
KANSAS CITY, MISSOURI  
OVERLAND PARK, KANSAS  
PHOENIX, ARIZONA  
LOS ANGELES, CALIFORNIA  
IRVINE, CALIFORNIA

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KUWAIT CITY, KUWAIT  
ABU DHABI, UNITED ARAB EMIRATES  
DUBAI, UNITED ARAB EMIRATES  
HONG KONG  
SHANGHAI, PEOPLE'S REPUBLIC OF CHINA  
IN ASSOCIATION WITH BRYAN CAVE,  
A MULTINATIONAL PARTNERSHIP,  
LONDON, ENGLAND

MARK E. WADDELL

DIRECT DIAL NUMBER  
(212) 692-1873

INTERNET ADDRESS  
MEWADDELL@BRYANCAVELLP.COM

September 6, 2000

Assistant Commissioner for Patents  
Box Assignment  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 09/445,675  
Filed: December 10, 1999  
For: **BINARY TITANIUM-ZIRCONIUM ALLOY FOR  
SURGICAL IMPLANTS AND A SUITABLE  
MANUFACTURING PROCESS**  
Our Ref.: C41169/118530

Sir:

Enclosed for recording is an assignment of the above-identified invention (with Recordation Form Cover Sheet in duplicate). A check in the amount of \$40 is enclosed to cover the recording fee.

If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this letter is attached.

Please return the recorded Assignment to the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box Assignment, Washington D.C. 20231, on September 6, 2000.

Mark E. Waddell

Respectfully submitted,

  
Mark E. Waddell  
Registration No. 31,803

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

## PATENTS ONLY

Tab settings ➡ ➡ ➡ To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Samuel STEINEMANN

Additional names(s) of conveying party(ies)

Yes  No

## 3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: August 17, 2000

## 4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

## B. Patent No.(s)

09/445,675December 10, 1999

Additional numbers

Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark E. WaddellRegistration No. 31,803Address: 245 Park AvenueCity: New YorkState/Prov.: NYCountry: \_\_\_\_\_ ZIP: 10167-00346. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): ..... \$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Authorized to be charged to deposit account

## 8. Deposit account number:

02-4467

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark E. Waddell

Signature

September 6, 2000

Date

# BRYAN CAVE LLP

245 PARK AVENUE

NEW YORK, NEW YORK 10167-0034

(212) 692-1800

FACSIMILE: (212) 692-1900

ST. LOUIS, MISSOURI  
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SHANGHAI, PEOPLE'S REPUBLIC OF CHINA  
IN ASSOCIATION WITH BRYAN CAVE,  
A MULTINATIONAL PARTNERSHIP.  
LONDON, ENGLAND

INTERNET ADDRESS  
MEWADDELL@BRYANCAVELL.P.COM

MARK E. WADDELL

DIRECT DIAL NUMBER  
(212) 692-1873

September 6, 2000

Assistant Commissioner for Patents  
Box Assignment  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 09/445,675

Filed: December 10, 1999

For: BINARY TITANIUM-ZIRCONIUM ALLOY FOR  
SURGICAL IMPLANTS AND A SUITABLE  
MANUFACTURING PROCESS

Our Ref.: C41169/118530

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Respectfully submitted,

  
Mark E. Waddell  
Registration No. 31,803

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box Assignment, Washington D.C. 20231, on September 6, 2000.



## Assignment

WHEREAS, I/WE

**Samuel STEINEMANN**

the ASSIGNOR(S), have invented certain new and useful improvements in

### **BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE MANUFACTURING PROCESS**

which are described and claimed in application for United States Letters Patent in respect of which a Declaration and Power of Attorney was executed on

which application is based upon the following foreign application(s)

<b>PCT/CH97/00230</b>	<b>PCT</b>	<b>10/06/1997</b>
(Number)	(Country)	(Day/Month/Year Filed)

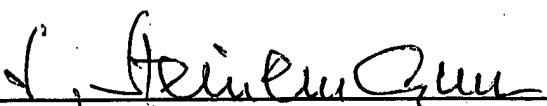
NOW, THEREFOR, for and in consideration of the sum of One Dollar(\$1.00) and other good and valuable considerations to me (us) in hand paid, the receipt and sufficiency whereof are hereby acknowledged, I/we have sold, assigned and set over, and by these presents do hereby sell, assign and set over unto

**INSTITUT STRAUMANN AG**  
(the Assignee)

and the said Assignee's legal representatives, successors and assigns, the entire right, title and interest, in and to the said invention within the United States of America and its territories and possessions, and in and to said application and the Letters Patent of the United States of America that may be granted therefor including all treaty and convention rights, together with the right to extend the protection thereof to the various territories and possessions now owned or which may be acquired hereafter by the United States of America; and I/we do hereby request and authorize the Commissioner of Patents to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this assignment.

UPON SAID CONSIDERATION, I/we do hereby covenant and agree with the said Assignee that I/we will not execute any writing or do any act whatsoever conflicting with these presents, and that I/we will at any time upon request without further or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, reissued, or extended Letters Patent of the United States of America on said invention, and in enforcing any rights or choices in action accruing as a result of such applications or patents, including but not limited to, giving testimony in any proceedings or transactions involving such applications or patents, and executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of all parties hereto.

IN WITNESS WHEREOF, this Assignment has been executed by the Assignor(s)  
at Waldenburg CH , on this 17 day of August, 2000.

  
[Samuel STEINEMANN]

**Declaration and Power of Attorney for Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE  
MANUFACTURING PROCESS**

---

the specification of which

(check one)

is attached hereto

Was filed on December 10, 1999 as

Application Serial No. 09/445,675

And was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**

**Priority Claimed**

PCT/CH97/00230 (Number)	PCT (Country)	10/06/1997 (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Mark E. Waddell	(Reg.No. 31803)	Stephen M. Haracz	(Reg.No. 33397)
Warren K. MacRae	(Reg.No. 37876)	Kathleen Gersh	(Reg.No. 41806)
Kevin C. Hooper	(Reg.No. 40402)	Robert J. Lipka	(Reg.No. 42807)
Le G. Lenna	(Reg.No. 42796)	Stephen Brown	(Reg.No. 43519)

SEND CORRESPONDENCE TO:

**Mark E. Waddell, Esq., Bryan Cave LLP, 245 Park Avenue, New York, NY 10167-0034**

DIRECT TELEPHONE CALLS TO: (name and telephone number)

**Mark E. Waddell - (212) 692-1800**

**STEINEMANN, Samuel**

Full name of sole or first inventor

Inventors signature

Date

**CH-1025 Saint-Sulpice / Switzerland**

Residence

**Swiss**

Citizenship

**Chemin de Codoz 14**

Post Office Address

Full name of second joint inventor, if any

Inventors signature

Date

Residence

Citizenship

Post Office Address

(Supply similar information and signature for third and subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.